



GAU 2765
2061
PATENT
2569-103P
#23
8/28/01

IN RE APPLICATION OF

BEFORE THE BOARD OF APPEALS

Wells OBRECHT

Appeal No.:

Appl. No.: 08/900,360

Group: 2765

Filed: July 25, 1997

Examiner: MEINECKE DIAZ, S.

For: METHOD AND APPARATUS FOR PROCURING
GOODS IN AN AUTOMATED MANNER

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PETITION

Assistant Commissioner for Patents
Washington, D.C. 20231

July 3, 2001

Sir:

This is a Petition regarding the holding of Grouping of the Claims in an
Examiner's Answer dated May 7, 2001.

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FACTS

BOARD OF PATENT APPEALS
AND INTERFERENCES

In an Appeal Brief filed March 12, 2001, Grouping of Claims was set
forth in Section X on page 10.

The claims separately grouped were separately argued. See, for example,
page 14 and following of the Brief.

In an Examiner's Answer mailed May 7, 2001, the Examiner indicated
that "therefore, the Examiner asserts that claims 1-20 stand or fall together"
(page 3 of the Answer, Section 7). Also, in the Answer, there were separate
arguments to some of the claims. (See page 13 and following of the Answer.)

DISCUSSION

Based on the record, it is asserted that the Appellant has complied with 37 C.F.R. § 1.192(c)(7) and 37 C.F.R. § 1.192(c)(8).

Additionally, as set forth in the case of In re Beaver, 893 F.2d 329, 13 USPQ2d. 1409 (Fed. Cir. 1989), the statements in the Brief do present an argument as to the merits of the claims. In that case, the Court held as follows:

The public responsibility of the Patent and Trademark Office requires attentive performance of all aspects of the patent examination function. The Office is charged with the duty of examining the claims contained in the patent application, including review by the Board when appeal is taken under 35 U.S.C. § 134. It is not only unfair to the applicant, it is also inefficient to decline to review claims that are properly appealed and reasonably argued before the Board. (emphasis added)

REMEDY

It is requested that the statement of the Examiner that the claims 1-20 stand or fall together be withdrawn.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

A check in the amount of \$130.00 is enclosed under 37 C.F.R. § 1.17(h).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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